

Message Text

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PAGE 01 STATE 147609
ORIGIN SY-05

INFO OCT-01 AF-10 NEA-11 ISO-00 L-03 /030 R

DRAFTED BY L/M-KMALMBORG:SY/SAS/SE:JLANNON;LAF
APPROVED BY A/SY/SAS:GEHARVEY
L/M - K.MALMBORG
NEA - A.LEGGIO
NEA/P - R. UNDELAND

-----011962 092347Z /63

O R 092320Z JUN 78
FM SECSTATE WASHDC
TO AMEMBASSY RABAT IMMEDIATE
INFO AMEMBASSY NAIROBI

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RABAT FOR RSO, NAIROBI FOR RSS FROM SY/SAS

E.O. 11652:N/A

TAGS:ASEC

SUBJECT:RABAT - MURDER OF AMCIT

REF: (A) RABAT 3435, (B) RABAT 3442, (C) RABAT 3453

1. PER REQUEST CONTAINED REFTEL A, PREVIOUS RSOS IN RABAT
MESSRS. HANREHAN AND SWAFFORD WERE QUERIED BY DEPARTMENT
RE EXISTENCE OF AGREEMENT WITH GOM RE IMMUNITY FROM
CRIMINAL JURISDICTION FOR MSGS. NEITHER RSO POSSESSED
ANY KNOWLEDGE OF EXISTENCE OF AGREEMENT.

2. DEPARTMENT HAS ATTEMPTED TO CONTACT AMBASSADOR WILLIAM
PORTER (FORMER CONGEN RABAT AT TIME OF INDEPENDENCE)
PRESENTLY RESIDING WESTPORT, MAINE WITHOUT SUCCESS. WILL
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CONTINUE EFFORTS.

3. PER REQUEST CONTAINED PARA 2 REFTEL B:

A. DEPARTMENT RECORDS SHOW LIEUTENANT COMMANDER WAS DRIVING
AN EMBASSY VEHICLE ON OFFICIAL BUSINESS WHEN ACCIDENT
OCCURRED. THIS WOULD NOT MATTER UNDER ARTICLE 37,

PARAGRAPH 2 OF VIENNA CONVENTION AS TO CRIMINAL RPT
CRIMINAL JURISDICTION, BECAUSE OFFICIAL ACTS LIMITATION

APPLIES ONLY TO CIVIL AND ADMINISTRATIVE JURISDICTION.

B. OUR RECORDS DO NOT SHOW WHETHER ASSISTANT NAVAL
ATTACHE WAS IN FACT PROSECUTED, BUT HE WAS SUBJECT TO
COURT MARTIAL JURISDICTION AND CERTAINLY COULD HAVE BEEN.
IN PRESENT CASE, OF COURSE, IT IS THE INTENTION TO
PROSECUTE.

C. USG ASSERTION OF IMMUNITY DOES NOT INDICATE LACK OF
APPRECIATION FOR FAIRNESS AND EFFICIENCY OF MOROCCAN
LEGAL SYSTEM, BUT RATHER OUR CONCERN FOR EFFECT OF
REFUSAL OF IMMUNITY ON WILLINGNESS OF MARINE CORPS
TO MAINTAIN DETACHMENT THERE. U.S. MILITARY POLICY
STRONG ON THIS POINT AND HAS SIGNIFICANT CONGRESSIONAL
AND PUBLIC SUPPORT.

D. WE WONDER HOW MEMORY OF MOROCCAN CAPITULATION CAN
BE STRONGER IN 1978 THAN IT WAS IN 1965. ALSO, VICTIM
IN PRESENT CASE U.S. CITIZEN, WHEREAS IN 1965 VICTIM
MOROCCAN, SO IF ANYTHING REASONS FOR EXERCISE OF
JURISDICTION LESS.

4. DEPARTMENT CONCURS WITH ADDITIONAL AND REVISED PRESS
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GUIDANCE CONTAINED REFTEL C. VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: n/a
Control Number: n/a
Copy: SINGLE
Draft Date: 09 jun 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978STATE147609
Document Source: CORE
Document Unique ID: 00
Drafter: KMALMBORG:SY/SAS/SI:JLANNON;LAF
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D780242-0590
Format: TEL
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780674/aaaaculuc.tel
Line Count: 95
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 86bcfb8b-c288-dd11-92da-001cc4696bcc
Office: ORIGIN SY
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 78 RABAT 3435, 78 RABAT 3442, 78 RABAT 3453
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 27 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2408656
Secure: OPEN
Status: NATIVE
Subject: RABAT - MURDER OF AMCIT
TAGS: ASEC
To: RABAT
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/86bcfb8b-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014